



**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Doc CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	
)	
Truth-in-Billing and Billing Format)	CG Docket No. 98-170

**Comments of
National Association of the Deaf (NAD)
American Deafness and Rehabilitation Association (ADARA)
Deaf Seniors of America (DSA)
Hearing Loss Association of America (HLAA)
California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc.
(CCASDHH)
Telecommunications of the Deaf and Hard of Hearing, Inc. (TDI)
Cerebral Palsy and Deaf Organization (CPADO)
Association of Late-Deafened Adults (ALDA)
American Association of the Deaf-Blind (AADB)
Gallaudet University Alumni Association (GUAA)
Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC)
Registry of Interpreters for the Deaf, Inc. (RID)
National Association of State Agencies of the Deaf and Hard of Hearing (NASADHH)**

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Discussion

The National Association of the Deaf (NAD), American Deafness and Rehabilitation Association (ADARA), Deaf Seniors of America, Hearing Loss Association of America (HLAA), California Coalition of State Agencies Serving the Deaf and Hard of Hearing, Inc. (CCASDHH), Telecommunications of the Deaf and Hard of Hearing, Inc. (TDI), Cerebral Palsy and Deaf Organization (CPADO), Association of Late-Deafened Adults (ALDA), American Association of the Deaf-Blind (AADB), Gallaudet University Alumni Association (GUAA), Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC), Registry of Interpreters for the Deaf, Inc., and National Association of State Agencies of the Deaf and Hard of Hearing (NASADHH) (collectively “Consumer Groups”) respectfully submit these comments in response to comments filed with the Federal Communications Commission's ("FCC" or "Commission") concerning the petition filed by ITTA - The Voice of America's Broadband Providers seeking a declaratory ruling that carriers can list Telecommunications Relay Services (TRS) along with other regulatory fees in a line item on customer bills.¹ The Consumer Groups oppose ITTA's proposal and urge the FCC to deny the petition.

The undersigned member organizations of Consumer Groups represent 48 million deaf and hard of hearing Americans² in promoting equal access to telecommunications so that we can fully experience all informational, educational, cultural and societal opportunities. In its July 3, 2018 comments, Consumer Groups took no affirmative position.³ However, as other commenters have highlighted, some of the undersigned organizations have historically

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Truth-in-Billing and Billing Format*, CG Docket No. 98-170, Petition for Declaratory Ruling of ITTA - The Voice of America's Broadband Providers (filed May 8, 2018) ("ITTA Petition").

² The use of the term “deaf and hard of hearing” is intended to encompass all deaf, hard-of-hearing, late-deafened, and DeafBlind individuals, including those with additional disabilities.

³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Truth-in-Billing and Billing Format*, ITTA Petition for Declaratory Ruling Regarding TRS Line Item Descriptions, CG Docket No. 98-170, Comments of Consumer Groups, p. 1 (filed July 3, 2018) (“Consumer Groups Comments”).

opposed allowing carriers to list TRS fees on customer bills in any manner.⁴ Since filing those Comments, the undersigned organizations have further reviewed the proposed petition and its impact on the deaf and hard of hearing community; consequently, the coalition affirms its historical stance.

As Consumer Groups have previously pointed out, TRS is an equal access service that, like other equal access services, should not be singled out as an extra cost. We remain concerned that "singling out TRS fees will result in further discrimination against deaf and hard of hearing individuals and customer complaints that could only serve to undermine the TRS program."⁵ Undue attention should not be drawn to our community by labeling TRS charges on customers' bills.

Identifying the cost of TRS on consumer bills in the form of a fee, surcharge, or line item will lead to unwarranted backlash towards our community. When consumers see these line items, they are likely to erroneously think they are paying for something "extra" and become irritated. It will cause unnecessary anger and blame against our community as unaware consumers will assume the cost are for services they are not using but that they are "subsidizing" for deaf and hard of hearing people. In reality, costs for access are mandated by the Americans with Disabilities Act (ADA) as part of business operations for everyone, just like the cost of building curb cuts on city sidewalks or providing TRS for everyone to be able to call each other. The ADA has many provisions mandating funding of certain access, and at no time are those access services ever itemized on anyone's bills in any industry.⁶

⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Truth-in-Billing and Billing Format, ITTA Petition for Declaratory Ruling Regarding TRS Line Item Descriptions*, CG Docket No. 98-170, Comments of Kairos Partners, p. 11-14 (filed July 3, 2018) ("Kairos Partners Comments").

⁵ Consumer Groups Comments at 1.

⁶ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Truth-in-Billing and Billing Format, ITTA Petition for Declaratory Ruling Regarding TRS Line Item Descriptions*, CG Docket No. 98-170, Reply Comments of Convo Communications, LLC, p. 1 (filed July 3, 2018) ("Convo Reply Comments") [comparing ITTA's TRS line item request to a hotel or restaurant listing various accommodations on all consumers' bills.]

Allowing carriers to place TRS charges on customer bills could be a slippery slope for how other ADA services are billed to customers. Congress has already noted its disapproval of labels on customer telephone bills that would suggest otherwise.⁷

Many of the commenters to ITTA's petition have misapplied the Commission's truth-in-billing rules. Such rules apply exclusively to legal charges in customers' bills and not prohibited charges. Identifying TRS charges in the description of a line item would be unlawful and contrary to the mandate of the ADA. The Commission has the legal authority to prohibit carriers from recovering a cost as a line item on customers' bills as ruled by the Sixth Circuit in *BellSouth Telecommunications, Inc. v. Farris*.⁸ In its 2005 Report and Order, the Commission already addressed the application of the Truth-in Billing rules to TRS charges and noted that it has prohibited line items for TRS costs.⁹ The Consumer Groups agrees with the Commission that Truth-in-Billing rules are inapplicable to services that are provided pursuant to federal mandate under the ADA, especially as the whole rationale for Truth-in-Billing is to prevent deceptive practices by corporations as opposed to promoting a backlash against deaf and hard of hearing individuals who only seek to have equal access to telecommunications services. While unaware consumers will mistake TRS line items as being solely for deaf and hard of hearing individuals, the reality is that TRS serves everyone including the businesses that benefit from sales made over the telephone with deaf and hard of hearing consumers.

ITTA asserts that the current rules require Commission interpretation but the Commission has been unambiguous. Since 1991, the FCC has issued eight rulings prohibiting common carriers from recovering the cost of TRS as a fee, surcharge, or line item on their customers' bills.¹⁰ We applaud the Commission for its clarity and consistency.

⁷ Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals, The Americans with Disabilities Act of 1990, CC Docket No. 90-571, Comments of The National Center for Law and the Deaf, p. 42 (filed January 15, 1991).

⁸ 542 F.3d 499 (6th Cir. 2008).

⁹ 2005 Report and Order, ¶ 23, n.64

¹⁰ See e.g. July 26, 1991 Order ("In order to provide universal telephone service to TRS users as mandated by the ADA, carriers are required to recover interstate TRS costs as part of the cost of interstate telephone

For the reasons stated in this letter, we urge the Commission to take decisive action consistent with past rulings and deny ITTA's petition.

Respectfully submitted,

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services and not as a specifically identified charge on the subscribers' lines."); June 10, 2004 Order ("Carriers obligated to contribute to the Interstate TRS Fund [e.g. carriers providing interstate telecommunications services] may not specifically identify a charge on their consumers' bill as one for relay services."; June 30, 2015 ("The Commission has long prohibited carriers from specifically identifying charges for TRS Fund contribution costs in customer bills, and there is no basis for the Bureau to depart in this Order from the Commission's prior decisions on this point.")

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